

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Robert Campbell,)	C/A No. 0:08-3668-PMD-PJG
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Jean Smith, Shamyra McRae, John Britt, Mr. Sgt.)	
McClinen,)	
)	
Defendants.)	
)	

The plaintiff, Robert Campbell (“Campbell”), a self-represented state prisoner, filed this action pursuant to 42 U.S.C. § 1983. Campbell’s claims stem from events that occurred while he was housed at Evans Correctional Institution. This matter is before the court pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) DSC on Campbell’s motion “requesting all evidence at the hearing surrounding the incident.” (Docket Entry 48.)

In Campbell’s motion, he requests that certain evidence be presented during “the hearing” that he contends supports his claim of excessive force. The evidence appears to be an institutional camera videotape from June 25, 2008, which Campbell alleges would have recorded the alleged incident at issue in this matter. In response, the defendants appear to interpret Campbell’s motion as a motion to compel discovery and assert that Campbell has failed to serve the defendants with any discovery requests in accordance with the Federal Rules of Civil Procedure and the deadline in the scheduling order. (Docket Entry 51.) To the extent that Campbell is seeking to compel discovery, Campbell did not serve his discovery requests in accordance with the deadline provisions of the scheduling order; therefore, his motion is denied.

However, to the extent that Campbell is requesting that the court issue a subpoena to compel the custodian of the tape to appear and bring it to trial, in light of the court's recommendation denying defendants' motion for summary judgment in part, the Clerk of Court is directed to provide Campbell with a blank subpoena form so that he may complete it and return to the Clerk of Court for issuance pursuant to the Federal Rules of Civil Procedure and the practice of this court.

IT IS SO ORDERED.



Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

March 19, 2010
Columbia, South Carolina